

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 32

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WILLIAM J. JOHNSON
and MICHAEL DEAN SMITH

Appeal No. 2003-2010
Application 09/150,549¹

ON BRIEF

Before MARTIN, BARRETT, and FLEMING, Administrative Patent Judges.

BARRETT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the final rejection of claims 1, 3-7, and 9-12. Claims 2 and 8 have been canceled.

We affirm.

¹ Application for patent filed September 9, 1998, entitled "Method and System for Cursor Applied Processing Within a Data Processing," which is a division of Application 08/160,348, filed December 1, 1993, now U.S. Patent 5,874,963, issued February 23, 1999.

BACKGROUND

A decision was entered on July 23, 1990, in Application 08/160,348, Appeal No. 95-4377, now U.S. Patent 5,874,963, of which this case is a division, reversing rejections under 35 U.S.C. § 112, second paragraph, and § 103. Claim 1 in that application differed from claim 1 in this application in that it included a limitation of "altering a graphic appearance of said movable cursor in response to said association of said predefined process with said movable cursor" and did not include the now claimed limitation of executing "until said association is disabled by a user."

The invention relates to a data processing system in which a predefined process comprising a plurality of keystrokes (e.g., a macro) is associated with a movable cursor, wherein the predefined process is executed on an object (e.g., an icon) in response to selection of the object.

Claim 1 is reproduced below.

1. A graphic method for the efficient execution of a predefined process within a data processing system having a keyboard, a plurality of objects and a pointing device having at least one button and an associated movable cursor displayed within said data processing system, said method comprising the steps of:

specifying a predefined process within said data processing system said predefined process comprising a plurality of keystrokes, said plurality of keystrokes specifying a user defined executable process which may be applied to one or more objects within said data processing system;

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associating said predefined process with said movable cursor within said data processing system in response to a first user input; and

executing said predefined process on any suitable object within said data processing system in response to each subsequent graphic selection of a suitable object and depression of said at least one button by a user utilizing said movable cursor until said association is disabled by a user.

THE REFERENCE

The examiner relies on the following reference:

Buxton et al. (Buxton) 5,798,752 August 25, 1998
(effective filing date July 21, 1993)

THE REJECTION

Claims 1, 3-7, and 9-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Buxton. With respect to claims 3, 4, 9, and 10, the examiner takes Official Notice that feedback, such as an error message, was well known in computer operation as in U.S. Patent 6,061,058 (Paper No. 17, p. 3).

We refer to the non-final Office action (Paper No. 17) (pages referred to as "R__"), the final rejection (Paper No. 19) (pages referred to as "FR__"), and the examiner's answer (Paper No. 26) (pages referred to as "EA__") for a statement of the examiner's rejection, and to the appeal brief (Paper No. 25) (pages referred to as "Br__") for a statement of appellants' arguments thereagainst.

OPINION

The claims are grouped to stand or fall together (Br4).
Claim 1 is taken as representative.

The examiner finds that Buxton discloses a "a data processing system having a keyboard, a plurality of objects and a pointing device having at least one button and an associated movable cursor displayed within said data processing system," for example, in Fig. 1 (R2). The examiner finds that the limitation, "specifying a predefined process within said data processing system said predefined process comprising a plurality of keystrokes, said plurality of keystrokes specifying a user defined executable process which may be applied to one or more objects within said data processing system," reads on the macro creation described at column 23, lines 50-61 (R2; EA3). The examiner finds that the limitation, "associating said predefined process with said movable cursor within said data processing system in response to a first user input," reads on placing the cursor in a tool mode described at column 26, lines 1-22 (FR2). The examiner finds that the limitation, "executing said predefined process on any suitable object within said data processing system in response to each subsequent graphic selection of a suitable object and depression of said at least one button by a user utilizing said movable cursor" reads on depression of a button by a user using the cursor, referring to

the section beginning at column 14, line 19 (R2-3). The examiner finds that Buxton does not clearly teach "executing said predefined process ... until said association is disabled by a user," but concludes that it would have been obvious to provide for user disabling of the macro so that the user can go on to other tasks (R3).

Appellants argue that the primary process described by Buxton involves a movable overlay and selecting an object through the overlay by the mouse utilizing the cursor and, hence, Buxton fails to show or suggest "associating said predefined process with said movable cursor," as claimed (Br5).

While we agree with appellants that the primary method described by Buxton involves an overlay, the examiner relies on the so-called "modal" tool.

As to the "modal" mode, appellants argue that this is the interface described in the prior art by appellants as a mode of operation in which a particular tool is selected by the user utilizing a cursor and thereafter that particular tool operates on each object selected by the cursor (Br6). Appellants refer to the following statement in Buxton (col. 26, lines 1-7): "[T]he tool handles described in section 3.01 could include a button placing the cursor in a tool mode corresponding to that tool. While in this mode, user can repeatedly perform operations as though they were clicking through that tool." It is argued that

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the modal tool described in Buxton "merely comprises a form of operation wherein a particular tool may be selected by the operator and thereafter operated in conjunction with the movable cursor, like painting tools ..." (Br6). Appellants argue (Br7):

The selection of a particular tool utilizing a cursor and the subsequent execution of that tool on a selected object with the cursor fails, in the opinion of the Applicant, to show or suggest in any way a process for specifying "a predefined process where within said data processing system said predefined process comprising a plurality of keystrokes, said plurality of keystrokes specifying a user defined executable process which may be applied to one or more objects within said data processing system" so that that process may thereafter be associated with a cursor and applied to any suitable object upon selection with the cursor.

Appellants have not convinced us of error in the examiner's position. Buxton describes making a tool corresponding to a recorded macro, where the user places the system in a mode for macro creation, then performs a desired sequence of operations on a single object (col. 23, line 50 to col. 24, line 2). Although Buxton does not expressly state that the macro sequence of operations is a plurality of keystrokes, one of ordinary skill in the art would appreciate that the sequence of operations could be keystrokes as well as any other operation performed by a user using an input device. There can be no question that macros are commonly recorded keystrokes, e.g., macros in word processing; while Buxton describes overlay tools primarily for graphical editing, it states that the tools can be used for any screen-based application, such as text editing (col. 37,

lines 12-19). Thus, we agree with the examiner that creating a tool corresponding to a recorded macro meets the limitation of "specifying a predefined process within said data processing system said predefined process comprising a plurality of keystrokes, said plurality of keystrokes specifying a user defined executable process which may be applied to one or more objects within said data processing system" and appellants have not said why it does not. Buxton discloses that the cursor can be put into a tool mode corresponding to that tool and that users can perform operations as though they were clicking through that tool (col. 26, lines 1-5). The tool can be any tool including a tool created by recording a macro. Putting the cursor into a tool mode meets the limitation of "associating said predefined process with said movable cursor within said data processing system in response to a first user input." Claim 1 does not recite how the cursor association is enabled and disabled. Although the examiner found that Buxton did not clearly teach disabling the association, we find that Buxton expressly teaches that the user uses a button to place the cursor into a tool mode (col. 26, lines 1-3) and to exit the mode (col. 26, lines 17-19) or that getting in and out of the modes can be done with a gesture, such a double clicking (col. 26, lines 19-22). Although not recited in claim 1, we note that Buxton discloses that "[t]he cursor could take a shape similar to that of the tool as a

reminder of the persistence of the mode" (col. 26, lines 5-7), that is, the appearance of the cursor is altered to indicate that it is associated with a predefined tool process. We conclude that the examiner has established a prima facie case of obviousness which has not been shown to be in error. The rejection of claims 1, 3-7, and 9-12 is sustained.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv) (effective September 13, 2004, 69 Fed. Reg. 49960 (August 12, 2004); 1286 Off. Gaz. Pat. & Trademark Office 71 (September 7, 2004)).

AFFIRMED

~~JOHN C. MARTIN~~
Administrative Patent Judge

LEE E. BARRETT
Administrative Patent Judge

MICHAEL R. FLEMING/
Administrative Patent Judge

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Andrew J. Dillon
BRACEWELL & PATTERSON L.L.P.
Intellectual Property Law
P.O. Box 969
Austin, TX 78767-0969